

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 26, 1958
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll call:

Present: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works.

Invocation was delivered by FATHER MAROLD ZINK, St. Mary's Cathedral Church, 209 East 10th Street.

Councilman White moved that the Minutes of the meeting of June 19, 1958, be approved. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

MR. RICHARD WARREN, International representative of American Federation of State, County and Municipal Employees, appeared before the Council regarding wage recommendations. The Mayor announced the policy of the Council in that there was no discrimination under the Council-Manager form of Government against union employees or non-union employees; that under the labor laws of the state, and according to the Charter interpretation, the Council could not bargain on wages through union. He stated the City tax rate had not been increased in three years. The Council voluntarily asked many months ago that a study be made of wages paid in the ten leading cities, state, government, private business, and the fire and police departments in other cities, and that the Council had been working on providing raises for the employees of the City; that the coming increase is not through any movement by the union, but through the Council's studies and willingness to look out for its city employees. MR. WARREN stated this group was a wage grievance committee of city employees, and was not a bargaining unit. It was pointed out that any grievance would have to go first through the proper channels before it comes to the Council. MR. WARREN stated he would handle the grievances through the prescribed route, but this matter was a recommendation. MR. ROBERT ALEXANDER, Board of Directors of the Union, employee in the Urban Renewal Department, submitted a recommendation of

\$1.61 per day across the board raise rather than a percentage raise. MR. CHARLES M. ERVIN, lineman in the Electric Department, stated this type of raise would help the most people. The Mayor stated if this were not a wage negotiation he did not know what it was. Councilman Long stated it was not a precedent. MR. MELVIN CARPENTER, member of the Wage Committee, Recording Secretary for the Union, Assistant Store Keeper at Central Stores, made a statement not concerning hours, but for consideration of the 92¢ and 97¢ men first. MR. HOMER LOWDEN, Street and Bridge, asked the Council to take their plea under consideration. The Mayor announced that the City Manager had asked the department heads not to add any wage increases in their budget, as that was being studied by the Council. City Manager and Assistant City Manager, and that the Council has an increase under study that will be fair to all employees and keep the tax rate as low as possible.

Pursuant to published notice thereof, the following zoning applications were publicly heard:

HARRY S. WILDER

5732 Grover Avenue

From "C" Commercial
To "C-1" Commercial
RECOMMENDED by the
Planning Commission

Mr. Alvis Vandygriff represented the applicants MODERN BOWLING, INC., MR. ROY B. COLLINS, Manager. MR. CHARLES PARK, member American Bowling Congress spoke for the change, stating that beer was not sold during the time Junior bowling was going on. MRS. M. L. BRASWELL spoke for the change, as did MR. JOE CALLAN, JR. Opposition was expressed by HOYT COLE, MRS. D. H. McCORMICK, President, Austin City Council of P.T.A.; DR. LORY MILDRETH, Pastor Hyde Park Baptist Church, MR. CHARLES COX, REV. ROBERT HOLT, Pastor, Crestview Baptist Church; REV. W. A. IRVIN, Rosedale Baptist Church; REV. K. C. STEDMAN, Northwest Baptist Church; BOB WILLIAMSON, Youth Director, Central Baptist Church; MRS. J. P. HAGE, DONNIE TEW, Student; MR. HAROLD HEMINGSTON, MR. JAMES WHITE, REV. JACK HYMER, Pastor Skyview Baptist Church. After discussion, Councilman White moved that action on this application be delayed to give Mr. Collins an opportunity to build up his bowling center and see if he could run it successfully without selling beer. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

Petitions with approximately 1000 names were filed.

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JAMES D. SPILLAR

7010 Burnet Road

By William B. Carsow

From "C" Commercial
To "C-1" Commercial
RECOMMENDED by the
Planning Commission

Letter of Mr. and Mrs. Arthur Smith in opposition was noted. The Mayor asked those who wished to grant the change to "C-1" Commercial to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
 Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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| AMERICAN LEGION TRAVIS | 2201 $\frac{1}{2}$ Lake Austin Blvd. | From "A" Residence |
| POST #76 | 310-410 Atlanta St. | To "C-1" Commercial |
| By Trueman O'Quinn | 303-403 Quarry Road | RECOMMENDED by the Planning Commission |

The Mayor asked those who wished to grant the change to "C-1" Commercial to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
 Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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| ODAS JUNG | 1812-18 So. Lamar Blvd. | From "C" Commercial |
| By William McCluskey, | | To "C-1" Commercial |
| lessee | | RECOMMENDED by the Planning Commission |

The Mayor asked those who wished to grant the change to "C-1" Commercial to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
 Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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| CLAUDE L. COOPER | 2708-10 South 1st Street | From "A" Residence To "B" Residence RECOMMENDED by the Planning Commission |
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The Mayor asked those who wished to grant the change to "B" Residence to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
 Noes: None

The Mayor announced that the change had been granted to "B" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

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MRS. ELSIE HARTKOPF
By Trueman O'Quinn

4400-06 So.1st Street
601-07 St. Elmo Road
TRACT 1

From "A" Residence
To "C-1" Commercial
NOT Recommended but
RECOMMENDED "C" by the
Planning Commission
From "A" Residence
To "GR" General Retail
RECOMMENDED by the
Planning Commission

4401-07 So.1st Street
507-13 St.Elmo Road
TRACT 2

No opposition appeared. The Council deferred action until it could make a personal inspection of the area.

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JAMES T. WATSON

214-302 Archway Street
301-05 East 26 $\frac{1}{2}$ Street

From "B" Residence
To "O" Office
RECOMMENDED by the
Planning Commission

Opposition was expressed by Mr. J. P. Callan. The Council deferred action until it could make a personal inspection of the area.

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MR. & MRS. PETE G. SOSA

2510-12 Wilson Street

From "A" Residence
To "C" Commercial
NOT Recommended by the
Planning Commission

No opposition appeared. The Council deferred action until it could make a personal inspection of the area.

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MRS. JACK O'BANNON

311 West Oltorf Street
2401-05 Durwood Street

From "A" Residence
To "LR" Local Retail
NOT Recommended by the
Planning Commission

The Council deferred action until it could make a personal inspection of the area.

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MR. ED CLARK, Attorney, Southwestern Bell Telephone Company, and MR. T. G. BROWN, JR., Division Manager, submitted the following letter:

"June 26, 1958

"Honorable Mayor and Members of the City Council
of the City of Austin
Austin, Texas

"Gentlemen:

"The steady growth and development of Austin in the past few years is a source of pride to every citizen and we are proud to have had a part in it.

"This growth is evidenced by the fact that on January 1, 1953, there were 59,702 telephones in the Austin exchange and at the end of March 1958 there were 77,970. That is an increase of over 30 per cent in a little over five years. In an effort to keep pace with this steady development we have added over six and a half million dollars during this same period for poles, wire, cable, buildings and all the things necessary to provide rapid communications for this ever growing city. We have every confidence that this trend will continue and it is our earnest desire to keep our operations here abreast of the continued growth of this city.

"Since January 1953, there have been five general wage increases throughout the Company and the costs of many of the materials used in our business have increased considerably. In this same period ad valorem taxes paid on the Austin telephone properties and city gross receipts taxes have increased from \$279,564 in 1953 to \$409,746 in 1957.

"As the costs of operation and the cost of money increase, the businessman must increase his prices, and we are all familiar with what has happened in the post-war years. The same forces of inflation that have affected your businesses have also affected our business. Although we have done everything we can to offset this by improvements in the telephone art and by increased efficiency, there comes a point at which we must begin to bring in more revenue, and we have reached that point in Austin.

"Attached is a statement for the year 1957 which shows the Company realized a net return of only 3.22 per cent. This is not a fair return.

"We earnestly request that you give prompt consideration to this earnings problem and authorize a new schedule of rates which will permit a fair return on the fair value of the property.

"Sincerely yours,
(Sgd) T. G. Brown, Jr.
Division Manager"

Operating results - Local Telephone service Year 1957, attached to letter is on file under TELEPHONE - Rates. The Council received the request.

The Council received a petition protesting the chicken business operations at 1001 Guillette Street by MR. GEORGE STILLMAN. Later on in the meeting, the Public Health Officer and Public Health Inspector made a report. The Inspector recommended some final action to get rid of the chickens as nothing else had been a solution. The matter was turned over to the City Attorney and Police Department.

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager be and he is hereby authorized and directed to execute on behalf of the City of Austin, Texas, Amendment No. 1 to that certain grant agreement with the United States of America, Department of Commerce, Civil Aeronautics Administration, designated Contract No. C2sa 3646-A, Robert Mueller Municipal Airport, Project No. 9-41-078-501, in accordance with the terms and provisions of said Amendment No. 1 to said grant agreement, exhibited to the City Council by the City Manager and attached hereto; and,

BE IT FURTHER RESOLVED:

That the City Clerk is hereby authorized and directed to keep this resolution together with the attached Amendment No. 1 to said above described grant agreement, in the permanent files of the City of Austin without recording said Amendment No. 1 at length upon the Minutes of the City Council. (Instrument Landing System)

The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT The City Council of the City of Austin hereby approves as a filling station site the property located at the west side of Cameron Road about 500 feet north of East 53rd Street, which property fronts 161.5 feet on Cameron Road being known as Lot 1 of Resubdivision of Lot 53 of Duval Heights in the City of Austin, Travis County, Texas, and hereby authorizes the said H. D. Pruett to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps, and sidewalks, in conjunction therewith subject to the same being constructed in compliance with all ordinances relating thereto and further subject to the foregoing attached recommendations and plans. The Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper Police, Traffic and Fire regulations; and the right of revocation is retained, if after hearing it is found by the City Council that the said H. D. Pruett has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"June 26, 1958

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Sir:

"We, the undersigned, have considered the application of H. D. Pruett for permission to construct, maintain, and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon the property located at the west side of Cameron Road about 500 feet north of East 53rd Street, which property fronts 161.5 feet on Cameron Road and is known as Lot 1 of Resubdivision of Lot 53 of Duval Heights in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by H. D. Pruett and is under lease to the Texas Company. We hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

"All drainage, natural or otherwise, from this filling station is to be disposed of in such a manner that such drainage will not flow across the sidewalk area into the street, and furthermore, shall not create a nuisance to others in the neighborhood. It is understood that the disposal of such drainage shall be entirely the responsibility of the property owner. Any waste connection to a storm sewer which empties into an open drainageway shall be discontinued, if the waste becomes a nuisance or damages any property or rights of others in the vicinity of the open drainageway.

"We recommend that H. D. Pruett be granted permission to construct, maintain, and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith subject to the following conditions.

"(1) That all buildings and equipment shall be placed inside of the property line; correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways; building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

"(2) That only underground tanks shall be used, and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street, or alley.

"(3) That the gasoline tanks, pumps, and all equipment used in connection with the storage and handling of gasoline shall be an approved type and shall bear the label of Underwriters Laboratories, Inc., and that all construction of the filling station improvements shall be in accordance with

the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accordance with the ordinance prohibiting the disposal of commercial water or oils upon the City Streets.

"(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-H-146.

"(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concret at the expense of the applicant as set forth upon the plan, hereto attached, which plan bears the Department of Public Works file number 2 - C - 2451.

"(6) Expansion joints shall be constructed as shown upon the plan, hereto attached, marked 2 - C - 2451 and shall be of the premoulded type.

"(7) When the owner considers that he has complied with all the requirements of the City of Austin for filling stations, he shall apply for a final inspection, and upon approval, the Building Inspector shall issue a Certification of Operation before such filling station can be put into service.

"Respectfully submitted,
(Sgd) S. Reuben Rountree, Jr.
Director of Public Works
(Sgd) J. C. Eckert
Building Inspector"

The motion, seconded by Councilman Palmer, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Council recessed.

RECESSED MEETING

3:30 P.M.

At 3:30 P.M. the Council resumed its business.

MR. DON HILL, District Director, National Safety Council, Chicago, gave a report of the Austin 1957 Annual Inventory of Traffic Safety Activities. He gave seven recommendations. He stated the traffic engineering in Austin was of the most competent kind. Different recommendations were discussed. (Report on file under TRAFFIC - Miscellaneous)

Mayor Miller introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING PORTIONS OF THOSE CERTAIN STREETS OR ROADS KNOWN AS OLD BASTROP ROAD AND OLD AUSTIN DEL VALLE TINNIN ROAD AND LYING IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman Palmer moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the opening, deepening, widening and straightening of the drainageway generally known as Wilbarger Creek, in the City of Austin, to provide for the free and safe run-off of waters falling upon the water-shed of such creek; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of a drainageway easement in, upon and across all of the hereinafter described tract of land to permit the improvement of the afore-said drainageway; and,

WHEREAS, the City of Austin has negotiated with the owner of said land and has been unable to agree with such owner as to the fair cash market value thereof; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to file or cause to be filed against all owners and lienholders a suit in eminent domain to acquire a drainageway easement, together with necessary temporary working space easements, in, upon and across the following described tract of land:

A strip of land sixty (60) feet in width, same being out of and a part of that certain tract of land out of the James P. Wallace Survey in the City of Austin, Travis County, Texas, which was conveyed to Thomas C. Wommack, et ux, by deed of record in Volume 1111 at page 49 of

the Deed Records of Travis County, Texas, and described as Tract No. 2 in said deed, the centerline of said strip of land sixty (60) feet in width being more particularly described by metes and bounds as follows:

BEGINNING at a point on the East line of Cameron Road, same being the West line of the said Wommack Tract No. 2, also being on the Easterly prolongation of the centerline of a culvert in Cameron Road, and from which point of BEGINNING the Northwest corner as fenced of the said Wommack Tract No. 2 bears North $49^{\circ} 13'$ East 22.5 feet, more or less;

THENCE, following the centerline of said strip of land sixty (60) feet in width in a Southeasterly direction to point of termination on the East line of the said Wommack Tract No. 2, and from which point of termination the Northeast corner of the said Wommack Tract No. 2 bears in a Northeasterly direction 59.00 feet.

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Councilman Pearson moved that MR. L. E. BELDING be granted permission to hold the Annual Soap Box Derby on Red River from 22nd Street south to $19\frac{1}{2}$ Street on Sunday, July 20th. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Councilman Long moved that the Junior Chamber of Commerce be granted permission to start the rides (ferris wheel, merry-go-round) on July 1st, during their July 4th celebration. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Council had a wage schedule before it on the Police and Fire Department of 12 cities in Texas. The Assistant City Manager stated on the Police wages, Austin was 13% low on base pay of partolemen, but on the fringe benefits the City was equal with other cities. The Council went over other departments' comparisons of wages. It was requested that a table be drawn up showing what the tax rate would be with the following percent increases: 5%, $7\frac{1}{2}\%$, 10% and $12\frac{1}{2}\%$; and also what percentage Austin would be with other cities in each of these brackets.

The Mayor asked that figures be submitted on what Dallas and Houston are collecting in their courts.

The Mayor announced that the Council would hold its regular meeting on WEDNESDAY, July 2nd, instead of Thursday July 3rd, the 4th-of-July-week-end.

Councilman Long moved that the tentative tax rate be set for the coming year at 76¢ for the general operating fund. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the Council would meet Monday, June 30th at 2:30 P.M. to make a further study of wages.

There being no further business, the Council ajourned at 5:30 P.M., subject to the call of the Mayor.

APPROVED


Mayor

ATTEST:


City Clerk